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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/691,792	10/18/2000	Yakov Kamen	004688.P004	5769
33448	7590	10/05/2004	EXAMINER	
ROBERT J. DEPKE LEWIS T. STEADMAN HOLLAND & KNIGHT LLC 131 SOUTH DEARBORN 30TH FLOOR CHICAGO, IL 60603			SALTARELLI, DOMINIC D	
		ART UNIT		PAPER NUMBER
		2611		
DATE MAILED: 10/05/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/691,792	KAMEN ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Dominic D Saltarelli	2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 18 October 2000.  
 2a) This action is **FINAL**.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-10 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-10 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

### ***Information Disclosure Statement***

1. The information disclosure statements (IDS) submitted on March 26, 2001, June 4, 2001, July 27, 2001, August 30, 2001, and January 31, 2002, are being considered by the examiner.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 1, 4, 7, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Connelly (6,144,376) in view of Gibbs et al. (6,292,187) [Gibbs].

Regarding claims 1 and 10, Connelly discloses a system for providing an electronic program guide (EPG) presentation (fig. 3B) for use with a receiver (fig. 4, processing unit 400, col. 5, lines 13-23) for displaying programs from a plurality of program sources (both television and internet content, col. 4, lines 32-44) on a plurality of user-selectable channels (fig. 3B, channels 2, 4, 5, 9 and 10) comprising an EPG presentation generator (fig. 2, system 200) for generating a displayable EPG presentation (software module running on system 200 generates the EPG presentation, col. 4, lines 4-12, 32-44) and a signal filter (fig. 2, processor 202, col. 3, lines 50-61).

Connelly fails to disclose an EPG morphing engine for modifying the EPG presentation based on a control command generated by the signal filter.

In an analogous art, Gibbs teaches a software engine (API, col. 8, lines 41-56) for modifying the presentation of user interfaces (col. 4, lines 20-35; col. 5, lines 44-55; and col. 7, lines 27-39), improving the look and feel of the interface (col. 8, lines 57-64).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Connelly to include an EPG morphing engine for modifying the EPG presentation, as taught by Gibbs, wherein this modification is based on a command from the signal filter, as it is the processing unit which controls all aspects of graphical displays. The reason for doing so is to improve the look and feel of the EPG interface displayed to the user.

Regarding claim 4, Gibbs additionally teaches the morphing engine comprises a set of parametrical functions (parametrical functions are the alterations performed on individual components in the user interface, col. 9, lines 6-14, called 'mattes', col. 7, lines 1-27 and col. 8 lines 41-56, which provide, for example, transparency controls for fade effects, col. 9 line 66 – col. 10 line 15 and col. 9, lines 14-28), such functions provide modular control over the individual components of a user interface for both ease and flexibility in modifying the interface.

It would have been obvious at the time to a person of ordinary skill in the art to further modify the system disclosed by Connelly and Gibbs to include a set to parametrical functions in the morphing engine, as taught by Gibbs, wherein the signal filter (Connelly, fig. 2, processor 202) calls the function and its parameters, for the benefit of enabling modular control over the individual components of the EPG presentation for both ease and flexibility in modifying the display presented to the user.

Regarding claim 7, Connelly and Gibbs disclose the system of claim 1, wherein the signal filter (202) is based on input from a user (Connelly, user input is through input device 206, col. 3, lines 55-61).

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Connelly and Gibbs as applied to claim 1 above, and further in view of Matthews, III et al. (5,724,492, of record) [Matthews].

Regarding claim 2, Connelly and Gibbs disclose the system of claim 1, but fail to disclose the EPG presentation is capable of being displayed as a three dimensionally arranged set of three dimensional surfaces textured by specially preprocessed scheduling data.

In an analogous art, Matthews teaches a system for displaying programming information (fig. 7) which is capable of displaying said programming information as a three dimensionally arranged set of three dimensional surfaces

textured by specially preprocessed scheduling data (the system animates the objects in true three dimensional fashion, col. 16, lines 1-14, this animation includes the text upon the faces of the objects, as shown in fig. 7 and the spatial positioning of the object on the screen, as shown in fig. 6). Such capability conserves screen space while still providing a significant amount of information to a user (col. 15, lines 5-15).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Connelly and Gibbs to include the capability to present the EPG data as a three dimensionally arranged set of three dimensional surfaces textured by specially preprocessed scheduling data, as taught by Matthews, for the benefit of conserving screen space by adding a third dimension of depth in which to present scheduling information to a user.

5. Claims 3, 5, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Connelly and Gibbs as applied to claim 1 above, and further in view of Slivka et al. (6,061,695) [Slivka].

Regarding claim 3, Gibbs additionally teaches applying a presentation solution (presentation theme, col. 9, lines 29-39), presenting a coherent motif regarding the look and feel of said EPG to the user.

It would have been obvious at the time to a person of ordinary skill in the art to further modify the system disclosed by Connelly and Gibbs to include

applying a presentation solution, as taught by Gibbs, for the benefit of providing a consistent, and thus more visually appealing, EPG interface theme to the user.

Connelly and Gibbs fail to disclose a database of different EPG presentation solutions selectable by a control command from the signal filter.

In an analogous art, Slivka teaches it was known to provide a database of a plurality of selectable presentation solutions for altering the appearance of user interfaces to suit particular tastes and desires (the "themes" which were included in the Windows 95 Plus Pack add-on product for the Windows 95 operating system, which allowed users to change the general appearance of their desktop, col. 2, lines 35-52).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Connelly and Gibbs to include a database of different presentation solutions selectable by a user, as taught by Slivka, for the benefit of providing a plurality of presentation solutions to suit varying tastes.

Regarding claims 5 and 6, accessing and applying a mix of presentation solutions and functions is met by combining the addressed limitations of claims 3 and 4, as shown above by Gibbs and Slivka, wherein providing both provides further flexibility to the system in customizing the EPG presentation.

It would have been obvious at the time to a person of ordinary skill in the art to provide both presentation solutions and functions to provide further flexibility for customizing a plurality of EPG presentations viewed by a user.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Connelly and Gibbs as applied to claim 1 above, and further in view of Kikinis (6,205,485, listed on the PTO-1449 filed 01/31/02).

Regarding claim 8, Connelly and Gibbs disclose the system of claim 1, but fail to disclose the signal filter is based on input from a broadcaster.

In an analogous art, Kikinis teaches receiving commands (command bearing tags, col. 4, lines 44-58) from a broadcaster (transmission is performed via satellite, col. 4, lines 38-43 and col. 5, lines 8-12) which control the display presented to a user (col. 7 line 47 – col. 8 line 9), enabling the broadcaster to control the information presented to a user in the most beneficial manner (col. 5, lines 13-32).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Connelly and Gibbs to base the signal filter on input from a broadcaster, as taught by Kikinis, for the benefit of enabling the broadcaster to control the display presented to the user in the manner most beneficial to the broadcaster and the programming providers.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Connelly and Gibbs as applied to claim 7 above, and further in view of Borsuk (5,233,333).

Regarding claim 9, Connelly and Gibbs, disclose the system of claim 7, but fail to disclose the user request is for a different font size.

In an analogous art, Borsuk teaches providing a user with the option and means to change the font size of displayed text (col. 4, lines 54-60) to accommodate reading of the displayed text by the visually impaired (col. 1, lines 5-15).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Connelly and Gibbs to include offer the choice of different font types and sizes to users, enabling users either see more EPG listing information at once, or to make the EPG listings larger and easier to read.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rosin et al. (6,260,192), Cove et al. (6,266,098), Gould et al. (6,331,852), and Marshall et al. (5,502,504).

9. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

## Certificate of Mailing

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D Saltarelli whose telephone number is (703) 305-8660. The examiner can normally be reached on M-F 10-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dominic Saltarelli  
Patent Examiner  
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DS



CHRIS GRANT  
PRIMARY EXAMINER